

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CINDY SAAVEDRA,

Plaintiff,

vs.

CIV. NO. 2:23-01110-KG-GJF

MARTIN O'MALLEY,  
Commissioner of Social  
Security,

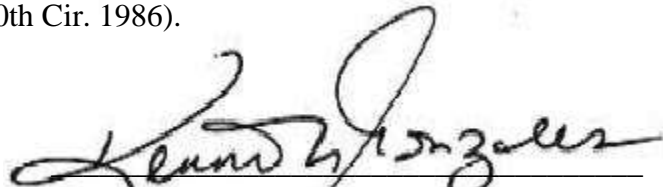
Defendant.

ORDER

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the Court finds the Motion (Doc. 26) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$7,900.00 under the Equal Access to Justice Act, 28 U.S.C. § 2412, made payable to Plaintiff as the prevailing party herein.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), he must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE

SUBMITTED AND APPROVED BY:

Electronically submitted 8/22/2024

MICHELLE C. VERDIS

Special Assistant United States Attorney  
Attorney for Defendant

Electronically approved on 8/22/2024<sup>1</sup>

DAVID F. CHERMOL, ESQ.

Attorney for Plaintiff

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<sup>1</sup> Plaintiff's counsel provided consent to Defendant's counsel to add his electronic signature to this proposed order.